

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 13, 2009

LaDonna Castañuela  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

CHIEF CLERKS OFFICE

2009 JUL 13 PM 4:43

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Re: Executive Director's Exceptions to the ALJs' PFD and Order; Consolidated  
SOAH Docket Nos. 582-08-0861; TCEQ Docket No. 2007-1820-AIR; 2008-1210-  
AIR; Air Permit Nos. 79188, PSD-TX-1072, and HAP-14.

Dear Ms. Castañuela:

Enclosed please find a copy of the Executive Director's Exceptions to the ALJs' PFD and  
Order for the above-referenced matter.

If you have any questions, please call me at 239- 4113.

Sincerely,

A handwritten signature in black ink, appearing to read "Booker Harrison", with a stylized flourish at the end.

Booker Harrison  
Senior Attorney  
Environmental Law Division

Enclosures

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 13, 2009

The Honorable Tommy Broyles  
The Honorable Craig Bennett  
Administrative Law Judges  
State Office of Administrative Hearings  
300 W. 15<sup>th</sup> St., Suite 502  
Austin, Texas 78701

CHIEF CLERKS OFFICE

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Re: Executive Director's Exceptions to the ALJ's Proposal for Decision and Order;  
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Dear Judge Broyles and Judge Bennett:

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Booker Harrison  
Senior Attorney  
Environmental Law Division

Enclosures

**CONSOLIDATED SOAH DOCKET NO. 582-08-0861  
TCEQ DOCKET NO. 2007-1820-AIR  
TCEQ DOCKET NO. 2008-1210-AIR**

<b>APPLICATION OF NRG TEXAS POWER, LLC, FOR STATE AIR QUALITY PERMIT 79188 AND PREVENTION OF SIGNIFICANT DETERIORATION AIR QUALITY PERMIT PSD-TX- 1072 AND HAZARDOUS AIR POLLUTANT MAJOR SOURCE [FCAA 112 § (g)] PERMIT HAP-14</b>	§ § § § § § § §	<b>BEFORE THE STATE OFFICE     OF    ADMINISTRATIVE HEARINGS</b>
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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 JUL 13 PM 4:43  
CHIEF CLERK OFFICE

**EXECUTIVE DIRECTOR'S EXCEPTIONS TO THE  
ADMINISTRATIVE LAW JUDGES' PROPOSAL FOR DECISION AND ORDER**

TO HONORABLE ADMINISTRATIVE LAW JUDGES TOMMY BROYLES AND CRAIG BENNETT:

COMES NOW the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) and files the Executive Director's Exceptions to the Administrative Law Judges' Proposal for Decision and Order, and in support thereof shows the following:

**I. INTRODUCTION/BACKGROUND**

On June 12, 2006, NRG Texas Power LLC (NRG), submitted a new source review application to the Texas Commission on Environmental Quality (TCEQ) for a State Air Quality Permit No. 79188 and Prevention of Significant Deterioration (PSD) Air Quality Permit No. PSD-TX-1072 which would authorize construction and operation of Limestone Unit 3 at NRG's existing Limestone plant located near Jewett, Texas.<sup>1</sup> A preliminary hearing on the new source review application was held on January 24, 2008. In Order No. 9, issued on April 11, 2008, the

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<sup>1</sup> NRG Exhibit No. 6.

ALJs abated the procedural schedule to allow NRG to file a case-by-case MACT determination as a result of the Clean Air Mercury Rule and source listing vacatur.<sup>2</sup> NRG submitted its Application for Hazardous Air Pollutant Major Source Permit HAP-14 on May 12, 2008. A subsequent preliminary hearing was held on September 15, 2008, and by Order No. 16 dated October 14, 2008, the matters were consolidated under SOAH Docket No. 582-08-0861.

TCEQ staff from the Air Permits Division, Air Dispersion Modeling Team, and Toxicology Section reviewed the documentation submitted by NRG in the consolidated application. Upon completing the review, the Executive Director issued the Notice of Application and Preliminary Decision, which includes the Preliminary Determination Summary and draft permit. In issuing the draft permit, the ED concluded that: NRG's proposed controls constitute best available control technology (BACT) for criteria pollutants and maximum achievable control technology (MACT) for hazardous air pollutants; and the modeling analysis demonstrates that the proposed project will not violate the National Ambient Air Quality Standards (NAAQS) or have any adverse impacts on the public health, soils or the environment. Therefore, the Executive Director recommends issuance of the air permit to NRG.

## **II. Applicant's No Net Increase Commitment.**

In Section IV.A. of the PFD, the ALJs discuss the Applicant's no net increase proposal, which the applicant contended was a complete netting demonstration to "net out" of PSD review for NO<sub>x</sub> and SO<sub>2</sub>. As Mr. Linville testified in his deposition, the ED considered NRG's proposal

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<sup>2</sup> *New Jersey, et al v. U.S. EPA*, 574 F3d. 574 (D.C. Cir. 2008).

a no net increase commitment rather than a PSD demonstration.<sup>3</sup> Additionally, the commitment was included as a special condition in the draft permit and will be enforceable.<sup>4</sup>

### III. BACT for PM<sub>10</sub>

In Section IV.3.B.c, the ALJs discuss the Applicant's proposed BACT for PM<sub>10</sub> of 0.015 lb/MMBtu for the filterable portion and 0.035 lb/MMBtu for the total PM<sub>10</sub>. NRG conceded that given the MACT review, BACT for the filterable PM<sub>10</sub> will be 0.012 lb/MMBtu, which the ALJs concurred was BACT. The ALJs concluded, however, that BACT for the total PM<sub>10</sub> is actually 0.025 lb/MMBtu.

The permit reviewer for the TCEQ, Mr. Jim Linville, testified, and evidence admitted through his testimony demonstrated, that he reviewed NRG's application and concluded that the limits therein, specifically for PM<sub>10</sub>, constituted BACT.<sup>5</sup> The evidence shows that this emission limit is consistent with BACT determinations from other recently permitted PC boilers.<sup>6</sup> The evidence also reflects a wide variation in PM limits for PC boilers.<sup>7</sup> The application specifically identified a number of the BACT determinations reviewed by Mr. Linville, along with the variability in those reviews and determinations.<sup>8</sup> This evidence of variability in emission limits and testing methodology is relevant and supports the conclusion that the higher number of 0.035 lb/MMBtu is acceptable as BACT.

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<sup>3</sup> Sierra Club Ex. 40, p. 57-58.

<sup>4</sup> 30 TEX. ADMIN. CODE § 116.116(a)(2); TEX. HEALTH & SAFETY CODE § 382.085(b).

<sup>5</sup> ED-1, p. 10; ED-8, p. 4; ED-9, p. 3.

<sup>6</sup> ED-8, p. 4; ED-9, p. 3.

<sup>7</sup> *Id.*

<sup>8</sup> NRG Ex. Table 4-4, page 4-7; *see also* Tr. 1207-1208 (testimony of witness Campbell on the variability and bias in testing results and that it is recognized by EPA).

The record reflects that BACT reviews are conducted on a case-by-case basis and are more detailed than merely identifying a lower emission limit.<sup>9</sup> The Tier I evaluation of BACT should include evaluation of all recently permitted facilities and possibly the review of new technical developments.<sup>10</sup> One of the factors to consider is the choice of coal, and as the application indicates the facilities considered in the BACT review that had limits below 0.035 lb/MMBtu are utilizing low-sulfur coal resulting in generally lower condensable PM limits.<sup>11</sup> Furthermore, TCEQ guidance requires the review of *demonstrated* emissions limits at operational facilities.<sup>12</sup> As the evidence reflects, only one facility with a lower limit as BACT is operational and has demonstrated compliance with that limit.<sup>13</sup> Therefore, the evidence in the record substantiates the ED's review and concurrence that 0.035 lb/MMBtu constitutes BACT for PM.

#### IV. BACT for NO<sub>x</sub>.

In section IV.B.3.e., the ALJs review BACT for NO<sub>x</sub>. The ALJs concluded that the annual limit of 0.05 lb/MMBtu represents BACT; however, the ALJs recommended the short-term BACT limit be adjusted from 0.07 to 0.06 lb/MMBtu. A Tier I BACT analysis requires comparison with other like facilities.<sup>14</sup> Mr. Linville reviewed the information regarding NO<sub>x</sub>

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<sup>9</sup> ED-1, pp. 9-10; ED-3, p. 2.

<sup>10</sup> ED-3, p. 3.

<sup>11</sup> NRG Ex. 6, p 4-8.

<sup>12</sup> ED-3, p. 3-4.

<sup>13</sup> Tr. 1207-1208.

<sup>14</sup> ED-3, p. 3.

and concluded that BACT is the use of low-NO<sub>x</sub> burners and SCR to achieve 0.07 lb/MMBtu.<sup>15</sup> Mr. Linville determined that this limit was consistent with BACT determinations from other recently permitted PC boilers and appropriately represented BACT for LMS3.<sup>16</sup> Therefore, the evidence in the record substantiates the ED's review and concurrence that 0.07 lb/MMBtu constitutes BACT for NO<sub>x</sub>.

#### **V. BACT for CO.**

In section IV.B.3.f, the ALJs review BACT for CO. The ALJs recommended the BACT limit be adjusted from 0.15 to 0.12 lb/MMBtu. A Tier I BACT analysis requires comparison with other like facilities.<sup>17</sup> Mr. Linville reviewed the information regarding CO and concluded that BACT is the use of good combustion practices to minimize the products of incomplete combustion to achieve 0.15 lb/MMBtu.<sup>18</sup> Mr. Linville determined that this limit was consistent with BACT determinations from other recently permitted PC boilers and appropriately represented BACT for LMS3.<sup>19</sup> Additionally, Mr. Linville concluded that "projects with a lower CO limit have higher NOX short term limits which reflects the balancing needed between NOX and CO in low-NOX burners."<sup>20</sup> Therefore, the evidence in the record substantiates the ED's review and concurrence that 0.15 lb/MMBtu constitutes BACT for CO.

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<sup>15</sup> ED-8, p. 4; ED-9, p. 3.

<sup>16</sup> *Id.*

<sup>17</sup> ED-3, p. 3.

<sup>18</sup> ED-1, p. 10; ED-8, p. 4; ED-9, p. 3.

<sup>19</sup> ED-8, p. 4; ED-9, p. 3.

<sup>20</sup> ED-8, p. 4.

## **VI. 24-Hour PM<sub>10</sub> PSD Increment Analysis.**

In section IV.C.3., the ALJs review the 24-hour PM PSD Increment analysis. A witness for the Sierra Club, Ms. Camille Sears, testified that NRG's modeling failed to account for impacts from Limestone Units 1 and 2. Using NRG's modeling data, Ms. Sears conducted modeling for Units 1 and 2 and concluded that emissions from the existing facilities exceeded the PSD increment. While the ALJs found no technical or regulatory reasons why Ms. Sears' modeling would be predictive of a violation or preclude the permit from being issued, the ALJs nevertheless, recommended that the Commission "instruct the ED to take appropriate steps to substantiate the violation and to correct it through the SIP, if necessary." (PFD, p. 69). However, as discussed below, the applicant made its demonstration and there is no action left for the ED to undertake.

An Increment demonstration is a purely modeling demonstration.<sup>21</sup> Each demonstration is triggered by a permitting action and each action is analyzed separately.<sup>22</sup> In its Air Quality Analysis, NRG followed long established guidance and procedures described by EPA and the TCEQ.<sup>23</sup> Using conservative modeling input data (total allowable emission rates were used versus the difference in actual emissions between baseline date and today), NRG made the demonstration that the operation of Limestone Unit 3 would not cause or contribute to a

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<sup>21</sup> Tr. 1039.

<sup>22</sup> *Id.*

<sup>23</sup> ED-14, pp. 7-12; ED-16.



predicted increment violation.<sup>24</sup> Had NRG's AQA shown a predicted Increment violation, NRG would be given the opportunity to refine the modeling input data to a lesser level of conservatism until they made their demonstration.<sup>25</sup> Until that demonstration is made, NRG would not be issued a draft permit and not allowed to go public notice.

Though the ALJ has expressed concerns that the record reflects a potential PSD Increment violation, it should be noted that the analysis conducted by Ms. Sears was fundamentally flawed. In her testimony, Ms. Sears' concluded that emissions from existing Limestone 1 and 2 units resulted in an increment violation. In reaching that conclusion, she stated that she identified three groups of sources for input into the model (Limestone 1 and 2 unit sources; other PSD-increment consuming sources; and the proposed emissions from the Limestone 3 unit), and then ran the model for only the Limestone 1 and 2 unit sources.<sup>26</sup> However, this procedure is inconsistent with both TCEQ and EPA guidance that provide the first step in the modeling analysis is to determine whether the proposed source(s) would have a significant impact on air quality, i.e., violate a NAAQS or PSD increment.<sup>27</sup> If the emissions do not make a significant impact or exceed an applicable increment, the analysis is complete.<sup>28</sup> As noted above, NRG made its demonstration that there was no increment violation based on the

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<sup>24</sup> ED-14, p. 7-9; ED-17, p.4.

<sup>25</sup> ED-14, p. 8; ED-16, p. 9.

<sup>26</sup> Sierra Club Ex. 3, p. 11. In fact, Ms. Sears testified that she was not familiar with the input data created by NRG or the underlying emissions calculations. Tr. 779.

<sup>27</sup> ED-16, p. 24, 29; NRG Ex. 32, p. C.24; Tr. 341.

<sup>28</sup> ED-16, 24, 29.

evaluation of the emissions from Limestone Unit 3. Therefore, the second part of the EPA guidance that the ED undertake some action is not applicable.<sup>29</sup>

## VII. MACT Analysis.

In section IV.E.3.d., the ALJs concluded that NRG had not specified the control technology for controlling mercury emissions, and therefore, the MACT demonstration for mercury does not satisfy the MACT rules. However, the review conducted by the ED supports the conclusion that the applicant complied with the MACT rules and issuance of the draft permit was appropriate.

The evidence introduced through Mr. Linville's testimony clearly reflects that NRG identified the following suite of controls for HAPs at the Limestone 3 facility: a selective catalytic reduction system, a wet flue gas desulfurization system, state-of-the art mercury controls, and a fabric filter.<sup>30</sup> With respect to mercury emissions, the evidence reflects that the MACT emission limit was based on activated carbon injection in conjunction with state-of-the-art control equipment for reducing emissions of NO<sub>x</sub>, SO<sub>2</sub>, and particulate matter.<sup>31</sup> In the PDS, Mr. Linville states: "(t)his is the most effective of all identified mercury emission control strategies, irrespective of cost, and is consistent with the planned air pollution control

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<sup>29</sup> Further, there is no mechanism in policy or guidance for the ED to require, or an outside party to refine the input data until a demonstration is made that the new or modified facilities would not cause an increment violation. The ED does not believe it appropriate or warranted address each and every potential predicted violation presented by parties other than the applicant, particularly when the applicant has already made the demonstration that no such violation is predicted to occur using established guidance and procedures and conservative input data.

<sup>30</sup> ED-12, p. 4.

<sup>31</sup> ED-12, p. 6.

technologies for the LMS3 PC boiler.”<sup>32</sup> Furthermore, it is clear from the evidence that in reviewing MACT, Mr. Linville was reviewing control technologies holistically, i.e., BACT and MACT together. Specifically, Mr. Linville stated:

Had a case-by-case MACT analysis been an applicable requirement when the 2006 state/PSD application was submitted, the emission limits proposed as BACT to the TCEQ for mercury and other hazardous air pollutants (emission limits that are now stipulated in the draft State/PSD permit for the PC Boiler) would have satisfied that requirement.<sup>33</sup>

Therefore, the record supports the ED's review of the identified control technology for mercury.

Furthermore, the record reflects that TCEQ does not require applicants to provide final specifications of control or other equipment at the time the permit is issued. Referred to as “As-Built Information,” the draft permits for both the state/PSD and HAP applications include a special condition requiring the permit holder to submit to the TCEQ information reflective of the final plans and engineering specifications of the PC Boiler and auxiliary boiler, including the necessary control equipment.<sup>34</sup> Additionally, the permits also include a special condition requiring an initial demonstration of compliance to “establish that the actual quantities of air contaminants being emitted into the atmosphere.”<sup>35</sup> Therefore, in reviewing permit applications the TCEQ requires the applicant to represent BACT and/or MACT, which is an emission limit,

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<sup>32</sup> *Id.*

<sup>33</sup> ED-11, p. 3.

<sup>34</sup> ED-10, SC No. 41; ED-13, SC No. 21.

<sup>35</sup> ED-10, SC No. 25; ED-13, SC No. 10.

and to identify the control mechanisms the permit holder will use to achieve that emission limit. Final design and installation specifications, such as vendor guarantees, are not required for issuance of the permit; however, compliance will be confirmed.<sup>36</sup>

NRG has met the requirements of 40 C.F.R. § 63.43(e)(1) which requires the identification of specific control technology as noted above. Regarding 40 C.F.R. § 63.43(e)(2), much of the information identified may only be a requirement if it is requested by the permitting authority. The technical information required by 40 C.F.R. § 63.43(e)(2)(xi) is prescriptive in determining whether or not such an emissions limitation can be achieved. To this extent, after reviewing the PSD and MACT application, TCEQ permitting staff determined that the suite of controls proposed by NRG would in fact "...meet the MACT emissions limitation determined according to the principles set forth in paragraph 63.43(d)."<sup>37</sup> Finally, 40 C.F.R. § 63.43(e)(2)(xii) requires the identification of alternative technologies as necessary to meet the emission limitations. In this case, NRG could not find any alternative technology that would meet the low emissions limitation that they are proposing for MACT. Therefore, the record substantiates the review conducted by the ED in the case-by-case MACT analysis.

## **VIII. Exceptions To The Findings Of Fact And Conclusions Of Law**

### **A. Findings of Fact**

1. The ED excepts to Findings of Fact No. 32 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "The Case-by-Case MACT Application contains all of the required elements of an

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<sup>36</sup> Tr. 956-957.

<sup>37</sup> 40 C.F.R. § 63.43(e)(1).

FCAA section 112(g) preconstruction permit application filed under Chapter 116 of TCEQ's rules."

2. The ED excepts to Findings of Fact No. 37 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "NRG has not proposed the precise method of achieving the netting from Limestone Units 1 or 2 (or other existing facilities causing emissions at the site) before Limestone Unit 3 begins operating."
3. The ED excepts to Findings of Fact No. 38 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "Special Condition 42 establishes and enforceable, measurable, and creditable reduction in emissions of NO<sub>x</sub> and SO<sub>2</sub> regardless of netting."
4. The ED excepts to Findings of Fact No. 40 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "NRG's proposed netting demonstration was not used to determine PSD applicability and a PSD review for criteria pollutants NO<sub>x</sub> and SO<sub>2</sub> in the State Air Quality/PSD Application was conducted."
5. The ED excepts to Findings of Fact No. 248 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "Utilization of good combustion practices with an emission rate of 0.15 lb/MMBtu on a 30-day rolling average basis is BACT for CO emissions from Limestone Unit 3."
6. The ED excepts to Findings of Fact No. 249 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "Application of low-NO<sub>x</sub> burners, overfire air, and SCR specified to meet NO<sub>x</sub> emission limits of 0.07 lb/MMBtu over a rolling 30-day average and 0.05 lb/MMBtu over a rolling annual average is BACT for NO<sub>x</sub> emissions from the main boiler."
7. The ED excepts to Findings of Fact No. 251 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "Application of fabric filter baghouses with a filterable PM/PM<sub>10</sub> emission rate of 0.012 lb/MMBtu and a total PM/PM<sub>10</sub> emission rate of 0.035 lb/MMBtu over a rolling annual average is BACT for PM and PM<sub>10</sub> emission from the main boiler."

8. The ED excepts to Findings of Fact No. 278 and respectfully requests that the finding include NO<sub>2</sub> and SO<sub>2</sub> after "CO, PM..."
9. The ED excepts to Findings of Fact No. 286 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "NRG prepared an FCAA 112(g) Case-by-Case MACT Application and applied for a HAP Major Source Permit to establish case-by-case MACT requirements for both the Limestone Unit 3 Project main boiler and auxiliary boiler."
10. The ED excepts to Findings of Fact No. 287 and respectfully requests that the finding be deleted.
11. The ED excepts to Findings of Fact No. 291 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "NRG's Case-by-Case MACT Application did specify a suite of control technology selected by NRG including a combination of the fabric filter baghouse, wet FGD, and SCR and mercury-specific control technology, such as halogen or sorbent addition, to control mercury emission that, if properly operated and maintained, will meet the proposed MACT emissions limitation."
12. The ED excepts to Findings of Fact No. 293 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "NRG's Case-by-Case MACT Application noted that NRG could not identify alternative control technologies, other than those listed in the application to meet the proposed emissions limitation."
13. The ED excepts to Findings of Fact No. 294 and respectfully requests that the finding be deleted and replaced by a Finding of Fact which states "NRG has identified a suite of specific control technology it intends to use to control mercury emissions at Limestone Unit 3."

**B. Conclusions of Law**

1. The ED excepts to Conclusion of Law No. 43 and respectfully requests that the finding be deleted and replaced by a Conclusion of Law which states "NRG's Case-by-Case MACT Application analysis and conclusions regarding mercury control technology include all necessary determinations to comply

with the overall requirements and objectives 40 C.F.R. § 63.43(d) and other applicable law.”

**C. Order by the Texas Commission on Environmental Quality**

1. The ED excepts to the Ordering Provision No. 3 and respectfully requests that the finding be deleted and replaced by an Order Provision which states “The application of NRG Texas for a federal Clean Air Act section 112(g) case-by-case maximum achievable control technology (MACT) determination satisfies the Case-by-Case MACT requirements.”
2. The ED excepts to the Ordering Provision No. 1b. (Special Condition No. 43) and respectfully requests that the finding be deleted since the origins for including this requirement are unclear.

**IX. Conclusion.**

In reviewing the applications subject to this hearing, the ED conducted an independent review of whether the applications met all the applicable rules and regulations, including BACT and MACT. In completing this review, the ED recommended issuance of the draft permit. Based upon a review of the record in this contested case hearing the evidence clearly substantiates the ED's review of the applications and recommendation to issue the draft permit. The ED respectfully requests that the Commission: grant the exceptions to the proposed order; issue the State Air Quality Permit Number 79188 and PSD permit PSD-TX-1072; find that the MACT demonstration is appropriate and complete; and issue the HAP-14 permit.

Respectfully Submitted,

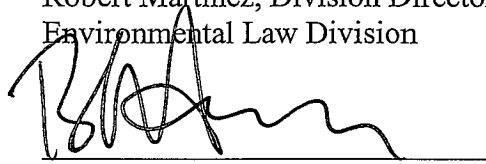
Texas Commission on Environmental Quality

Executive Director's Exceptions to the ALJs' PFD and Order  
Cons. SOAH Docket No. 582-08-0861  
TCEQ Docket No. 2007-1820-AIR  
TCEQ Docket No. 2008-1210-AIR  
Page 14 of 15

Mark R. Vickery, P.G., Executive Director

Stephanie Bergeron Perdue, Deputy Director  
Office of Legal Services

Robert Martinez, Division Director  
Environmental Law Division

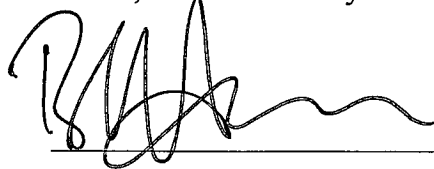
A handwritten signature in black ink, appearing to read 'Booker Harrison', is written over a horizontal line.

Booker Harrison, Senior Attorney  
SBOT No. 00793910  
Christine Angeletti, Staff Attorney  
SBOT No. 24059383  
Environmental Law Division  
State Bar No. 24043385  
P. O. Box 13087, MC 173  
Austin, Texas 78711-3087  
(512) 239-0600



**CERTIFICATE OF SERVICE**

On this 13<sup>th</sup> day of July, 2009, a true and correct copy of the foregoing instrument (TCEQ Executive Director's Exceptions to the Administrative Law Judges' Proposal for Decision and Order) was served on all persons on the attached mailing list by the undersigned via deposit into the U.S. Mail, inter-agency mail, facsimile, electronic mail, or hand delivery.



Booker Harrison

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
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CHIEF CLERKS OFFICE

MAILING LIST  
NRG TEXAS POWER L.L.C.  
SOAH DOCKET NO. 582-08-0861

FOR NRG TEXAS POWER LLC

Derek R. McDonald  
Whitney L. Swift  
Baker Botts, L.L.P.  
1500 San Jacinto Center  
98 San Jacinto Boulevard  
Austin, TX 78701  
Tel: (512) 322-2667  
Fax: (512) 322-8342  
Email: derek.mcdonald@bakerbotts.com  
Email: whitney.swift@bakerbotts.com

FOR OFFICE OF PUBLIC INTEREST  
COUNSEL

Garrett Arthur  
Staff Attorney  
Texas Commission on Environmental Quality  
Office of Public Interest Counsel  
MC-175 P.O. Box 13087  
Austin, TX 78711-3087  
Tel: (512) 239-5757  
Fax: (512) 239-6377  
Email: garthur@tceq.state.tx.us

FOR ROBERTSON COUNTY: OUR LAND,  
OUR LIVES (RCOLOL)

Wendi Hammond  
Attorney  
7325 Augusta Circle  
Plano, TX 75025  
Tel: (972) 746-8540  
Fax: (469) 241-0430  
Email: wendi@texasenvironmentallaw.net

FOR SIERRA CLUB

Ilan M. Levin  
Layla Mansuri  
Attorney  
Environmental Integrity Project  
1303 San Antonio Street  
Austin, TX 78701  
Tel: (512) 637-9477  
Fax: (512) 584-8019  
Email: ilevin@environmentalintegrity.org  
Email: lmansuri@environmentalintegrity.org

FOR CITIZENS FOR ENVIRONMENTAL  
CLEAN-UP

Charles E. Morgan  
Rt. 2, Box 92A  
Buffalo, TX 75831  
Tel: (903) 389-5616  
Email: Cemorgan75831@yahoo.com

FOR VALENCE OPERATING COMPANY

John M. Quinlan  
Mcelroy, Sullivan & Miller, L.L.P.  
P.O. Box 12127  
Austin, TX 78711  
Tel: (512) 327-8111  
Fax: (512) 327-6566  
Email: jquinlan@msmtx.com

FOR DOUGLAS W. RAY

Jim Blackburn  
Charles Irvine  
Blackburn & Carter, P.C.  
4709 Austin Street  
Houston, TX 77004  
Tel: (713) 524-1012  
Fax: (713) 524-5165  
Email: Jbb@blackburncarter.com  
Email: Charles@blackburncarter.com